Government of Canada
National Parole Board

Gouvernement du Canada
Commission nationale des libérations conditionnelles

REPEAT HOMICIDE OFFENCES COMMITTED BY OFFENDERS UNDER COMMUNITY SUPERVISION

1975/76-1998/99 AS OF JULY 31, 1999

National Parole Board
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INTRODUCTION

The National Parole Board (NPB) regularly monitors the performance of offenders on conditional release. This report covers offenders who were convicted of a repeat homicide offence committed on supervision over the past 24 years. It is presented in a question and answer format to respond to some of the more frequently asked questions about repeat homicide offenders.

The data are based on releases to conditional supervision who committed a second homicide offence between April 1, 1975 and March 31, 1999 and who were convicted and readmitted to a federal penitentiary as of July 31, 1999. Thus, the length of the follow-up period varies from 24 years for those released in 1975 to a few months for those released in 1999.

The research examined:

- the extent of repeat homicide offences by offenders under supervision;
- victim and offender attributes, and
- the situational characteristics of the incidents.

The study also addressed whether there were any differences between the homicide offences committed by recidivist offenders and those committed by persons without a prior conviction for a homicide offence.

TYPES OF CONDITIONAL RELEASE

Day Parole is a discretionary release by the NPB requiring nightly return to an institution or a halfway house. It allows offenders to participate in community-based activities to prepare them for release on full parole or statutory release.

Full parole is a discretionary decision made by the NPB. It allows offenders to serve the remainder of their sentence under supervision in the community. Offenders serving life or indeterminate sentences remain under supervision for life. Without a grant of parole, life and indeterminate sentenced offenders would remain imprisoned for life.

Statutory release, contrary to full parole, is a legislative release which does not require a decision of the NPB. Most offenders with a definite sentence must be released after serving two-thirds of their sentence. Offenders released on statutory release are supervised and can be returned to prison if they violate the conditions of their release or commit a new offence. Offenders serving life or indeterminate sentences are not eligible for statutory release.

DEFINITION OF HOMICIDE

Homicide, as used in this report, includes murder and manslaughter. Since July 26, 1976, there have been two categories of murder: first and second degree. First degree murder covers all planned and deliberate murders and certain other murders (murder of a police officer, or a prison employee, or murder committed during the commission of certain offences, such as sexual assault). Second degree murder is any murder that is not first degree murder.

Manslaughter is defined as culpable homicide that is not murder. It is generally distinguished from murder by the lack of intention (i.e. a crime of passion). (Refer to the Glossary at the end of this report for more information)

Offenders convicted of **murder** receive a life sentence as a minimum penalty. They can only be released on full parole by a decision of the National Parole Board. Offenders convicted of **first degree murder** must serve a minimum of 25 years in a penitentiary before being eligible for a full parole hearing.

For **second degree murder** the period of ineligibility may range from 10 to 25 years at the discretion of the sentencing judge.

First and second-degree murderers are eligible for a day parole hearing three years before their full parole eligibility date. In all cases, eligibility does not mean the offender will be released on parole. Rather, it means a date on which the offender is assessed by the parole board.

In 1976, with the abolishment of capital punishment, Parliament provided for a judicial review of offenders convicted of first degree murder as well as those convicted of second degree with more than 15 years before parole eligibility. Under Section 745.6 of the Criminal Code, offenders may apply for a judicial review to have their parole ineligibility period reduced. Offenders who committed multiple murders after January 1997, are not eligible for judicial review.

Under judicial review the offender makes his/her application to the Chief Justice of the province where he/she was convicted. A judicial review hearing is not a parole hearing. The NPB has no official role in the judicial review process. Parole Board staff may, however, be called to court to explain the parole process.

A "favourable" judicial review decision does not mean the offender then receives parole. An offender who receives reduced parole eligibility as a result of a judicial review decision must still be reviewed by the NPB for parole consideration.

In Canada, first-degree murder offenders serve, on average, about 28.4 years prior to release. Comparative international data reveals that first degree murder offenders are eligible for consideration for release after serving 9.5 years in prison and serve about 14.3 years prior to release.

METHODOLOGY

A principal objective of this study was to provide information on federal offenders convicted of a repeat homicide offence committed on supervision. Thus, the analysis does not include:

- Offenders released from provincial institutions;
- Offenders who were not convicted and readmitted to a federal institution (i.e. persons who were charged with a repeat homicide who died prior to being convicted, those who were not found guilty, etc); or
- Persons who were charged and who were not convicted as of the cut off date of July 31, 1999.

The study is based on the **number of releases** to conditional supervision and **not the number of offenders**. As many offenders are released on day parole prior to a release on full parole or statutory release, the number of releases is larger than the number of offenders. The analysis uses releases rather than offenders as offenders are at risk to commit an offence during every release period.

In many cases, both numbers and percentages are reported. However, as the numbers are very small, the percentages should be interpreted with caution. Percentages may not total 100% due to rounding.

REPEAT HOMICIDE OFFENCES BY OFFENDERS ON SUPERVISION

How many murder offenders were released between 1975/76 - 1998/99 and how many were convicted of a second homicide offence?

Offenders convicted of murder receive a life sentence and can only be released on day or full parole by a decision of the National Parole Board. Offenders convicted of murder, therefore, cannot be released on statutory release.

Over the period 1975/76 - 1998/99, there were 4,131 releases of murder offenders on day and full parole. Of these:

- 2,666 were day parole releases.
- 1,465 were full parole releases.

Over the past 24 years:

- 4 (0.2%) of the 2,666 day parole releases of murderers were subsequently re-incarcerated for a repeat homicide offence.
- 9 (0.6%) of the 1,465 releases of murder offenders on full parole were subsequently re-incarcerated for a repeat homicide offence.

How many manslaughter offenders were released between 1975/76 - 1998/99 and how many were convicted of a repeat homicide offence?

Over the past 24 years there were 7,652 releases of manslaughter offenders to supervision. Of these:

- 2,588 were to day parole supervision;
- 2,274 were to full parole supervision; and
- 2,790 were to statutory release.

Over this period:

- 2 (0.08%) of the 2,588 releases of manslaughter offenders on day parole;
- 6 (0.3%) of the 2,274 full parole releases; and
- 16 (0.6%) of the 2,790 statutory releases, were subsequently revoked and re-incarcerated for a second homicide offence.

How many homicide offenders were released between 1975/76-1998/99 and how many were convicted of a repeat homicide offence?

Overall, over the 24 year period between 1975/76 And 1998/99, there were 11,783 releases of homicide offenders to conditional supervision. Of these:

- 5,254 were to day parole supervision;
- 3,739 were to full parole supervision; and
- 2,790 were to statutory release.

Over the 24 year period 1975/76 to 1998/99, 37 homicide offenders were convicted of a second homicide offence while on supervision in the community.

This represents about one-third of one percent of the 11,783 (0.3%, 37/11,783) released homicide offenders.

TABLE 1
RELEASE TYPE OF OFFENDERS CONVICTED OF A REPEAT HOMICIDE OFFENCE WHILE ON SUPERVISION, 1975/76 TO 1998/99 AS OF JULY 31, 1999

Homicide Offence	Release Type					
	Murder Offenders		Manslaughter Offenders			
	Day Parole	Full Parole	Day Parole	Full Parole	Statutory Release	Total Homicide
Murder	3	8	2	2	13	28
Man-slaughter	1	1	--	4	3	9
Total Homicide	4	9	2	6	16	37

Table 1, shows that over the 24 year period:

- 6 (0.1%) of the 5,254 releases of homicide offenders on day parole;
- 15 (0.4%) of the 3,739 full parole releases; and
- 16 (0.6%) of the 2,790 statutory releases were subsequently revoked and re-incarcerated for a second homicide offence.

What proportion of the homicide deaths reported to the police in Canada over the past 24 years were by homicide offenders on supervision?

- Between 1975 and 1998, approximately 15,266 homicide deaths were reported to the police (Canadian Centre for Justice Statistics).

- Homicide offenders on conditional supervision were responsible for 58 deaths (four offenders had two victims each, two had 3 victims each, one had four victims, and one had 12 victims).

- Thus, repeat homicide offenders on conditional supervision accounted for less than four tenths of one percent (0.39%, 58/15,266) of the reported homicide deaths in Canada over the past 24 years.

Has the number of repeat homicide offences by people on conditional release been increasing or decreasing over the past 24 years?

Despite yearly fluctuations, since 1991/92 there has been a significant decline in the number of repeat homicide offences by persons on conditional release.

Of the 37 homicide offenders convicted of a second homicide over the 24 year period:

- 4 committed the homicide between 1975/76 and 1979/80;
- 6 committed a homicide between 1980/81 and 1984/85;
- 16 committed a homicide between 1985/86 and 1989/90;
- 9 committed a homicide between 1990/91 and 1994/95; and
- 2 committed a homicide in the four years since 1995/96.

FIGURE 1
NUMBER OF REPEAT HOMICIDE OFFENCES
BY OFFENDERS ON SUPERVISION BETWEEN 1975/76 AND 1998/99,
AS OF JULY 31, 1999

What was the prior homicide offence of repeat homicide offenders?

Thirteen (35%) of the 37 repeat homicide offenders had originally been convicted of a murder offence.

Of the 13 offenders with a prior conviction for murder, 11 were convicted of a second murder offence and 2 of a manslaughter offence.

TABLE 2
COMMITMENT AND RECOMMITMENT OFFENCES OF REPEAT HOMICIDE OFFENDERS BY RELEASE TYPE, FOR RELEASES BETWEEN 1975/76 AND 1998/99 FOLLOWED TO JULY 1999

Commitment Offence	Recommitment Offence									
	Day Parole			Full Parole			Statutory Release			Total
	First	Second	Manl.	First	Second	Manl.	First	Second	Manl.	
Capital/ First	--	--	--	1	--	--	--	--	--	1
Non-Capital/ Second	1	2	1	5	2	1	--	--	--	12
Man-slaughter	2	--	--	--	2	4	6	7	3	24
Total	3	2	1	6	4	5	6	7	3	37

Twenty-four (65%) of the recidivist homicide offenders had a prior conviction for a manslaughter offence.

Of the 24 offenders originally incarcerated for a manslaughter offence, 17 were subsequently convicted of a murder offence and 7 of a repeat manslaughter offence.

What is the current status of repeat homicide offenders?

Of the 37 homicide offenders convicted of a second homicide offence since 1975/76:

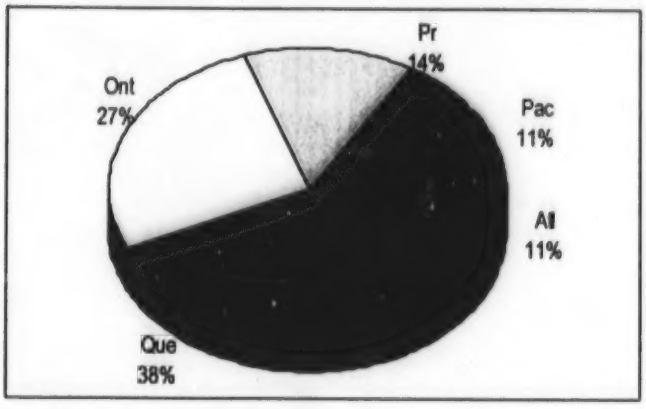
- 29 are incarcerated and have not had any release;
- 4 died in prison;
- 1 is on day parole supervision; and
- 3 have reached warrant expiry. Of these, 2 were released on statutory release and one went from day to full parole.

All of the offenders who had a release are repeat manslaughter offenders.

None of the offenders convicted of a second murder have been released.

What was the regional breakdown of released homicide offenders who were convicted of another homicide?

FIGURE 2
RELEASE REGION OF REPEAT HOMICIDE OFFENDERS, 1975/76 TO 1998/99 AS OF July 31, 1999



As shown in Figure 2, releases from Quebec (14 or 38%) committed a higher proportion of the repeat homicide offences than did releases from Ontario (10 or 27%), the Prairies (5 or 14%), the Atlantic (4 or 11%), or the Pacific (4 or 11%) regions.

How long were homicide offenders on supervision prior to committing a second homicide offence?

Overall, the average time on supervision for offenders who committed a repeat homicide offence was 21.6 months. Calculations of average time on supervision should be interpreted with caution as the ranges within each release type varied widely (see Table 3). Time on supervision prior to a second homicide offence varied from two days to 11.9 years.

Offenders released on full parole were less likely to commit a homicide offence shortly after release than were those released on day parole or statutory release.

Almost ninety percent (88%, 14/16) of statutory releases convicted of a second homicide offence while under supervision committed the offence within 1 year of release compared to just over one quarter (27%, 4/15) of those released on full parole.

The average time on supervision[1] prior to the offence:

- for offenders released on full parole was 41.7 months;
- for those released on statutory release, it was 8.3 months; while
- the average time on day parole supervision was 6.9 months.

As illustrated in Table 3, almost three-quarters (73%, 11) of the offenders on full parole who were convicted of a homicide offence were under supervision for more than one year prior to committing the offence. The remaining 27% (4) of homicide deaths by full parolees were committed within 9 months and 1 year of release. Time under full parole supervision prior to the homicide offence ranged from 9.5 months to 11.9 years.

By comparison, 44% (7) of the homicide offences by offenders on statutory release were committed within 6 months of release, while another 44% (7) were committed between 6 months and one year of release. Thus, overall, almost ninety percent (88%) of the offenders on statutory release recommitted for a homicide offence on supervision committed the offence within 1 year of release. The time under statutory release supervision prior to the homicide offence ranged from 1.6 months to 1.4 years.

One half (50%, 3) of the day parolees who were convicted for a second homicide offence committed the offence within 6 months of release. Over eighty percent (83%, 5/6) committed their offence within 1 year of release.

[1] Calculation of time on supervision includes time on day parole if it was continuous to the release on full parole or statutory release. It is based on the total uninterrupted time on supervision in the community.

TABLE 3
TIME BETWEEN OFFENCE AND RELEASE FOR OFFENDERS CONVICTED OF A SECOND HOMICIDE OFFENCE BY RELEASE TYPE, 1975/76-1998/99 AS OF JULY 31, 1999

Time Under Supervision	Release Type							
	Day Parole		Full Parole		Statutory Release		Total	
	#	%	#	%	#	%	#	%
<1month	1	16.7	--	--	--	--	1	2.7
1<2 Months	--	--	--	--	1	6.3	1	2.7
2<3 Months	--	--	--	--	1	6.3	1	2.7
3<6 Months	2	33.3	--	--	5	31.3	7	18.9
6<1 Year	2	33.3	4	26.7	7	43.8	13	35.1
1<2 Years	1	16.7	1	6.7	1	6.3	3	8.1
2<3 Years	--	--	3	20.0	1	6.3	4	10.8
3+ years	--		7	46.7	--	--	7	18.9
Total	6		15		16		37	

VICTIM ATTRIBUTES

How many people were victims of repeat homicide offenders?

Over the 24-year period, 1975/76 to 1998/99, 37 homicide offenders under supervision were responsible for 58 deaths.

Most incidents involved one victim. Eight of the 37 offenders had multiple victims: four offenders had two victims each; two offenders had 3 victims each; one had 4 victims; and one had 12 victims in a gang contract killing in Quebec. Thus, 8 offenders were responsible for 30 of the deaths.

There were approximately 15,266 homicide deaths reported to the police over the years 1975 to 1998 (Canadian Centre for Justice Statistics).

Homicide offenders on conditional supervision accounted for about four tenths of one percent (0.39%, 58/15,266) of the reported homicide deaths in Canada over the past 24 years.

What was the gender breakdown?

19 of the 58 victims were female and 40 were male.

This finding supports the conclusions of other homicide researchers (CCJS, 1997; Strang, 1995; Falk, 1990; Wolfgang; 1958) which suggest that the majority of homicide victims are male.

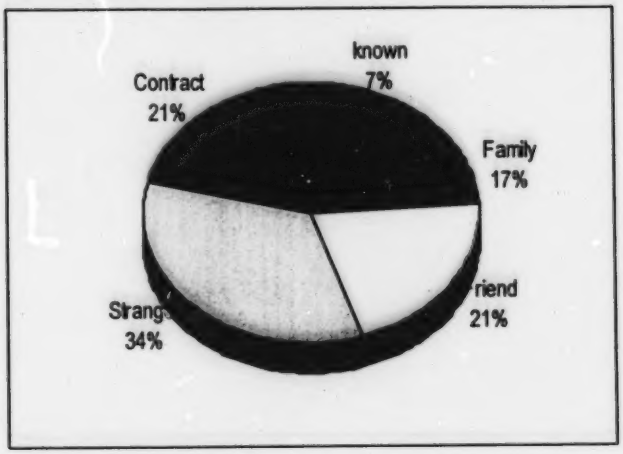
How many of the victims knew their offender?

While people fear becoming a victim of violence by a stranger, half of the 58 victims of homicide knew the offender prior to the homicide.

Of the 58 victims:

- 10 were family members of the offender;
- 12 were friends or acquaintances;
- 20 were strangers;
- 12 resulted from a gang contract killing in Quebec. There was no information available concerning whether the offender and victims knew each other; and
- 4 others were known to the offender, but were not friends or family.

FIGURE 3
VICTIM AND OFFENDER RELATIONSHIP



The findings of this study differ from the results of studies of homicide offences by offenders with no prior criminal history (CCJS, 1997; Silverman & Kennedy, 1993; Falk, 1990; Boyd, 1988).

Comparatively:

- A larger proportion of the victims of homicides committed by offenders with no prior criminal history were family members (42%, CCJS; 1997) compared to 17% for offenders with a prior homicide offence.

- A smaller percentage of the victims of offenders with no prior criminal history were strangers (13%, CCJS), as compared with 34.5% for those with a prior conviction for a homicide offence.

CHARACTERISTICS OF REPEAT HOMICIDE OFFENDERS

What were the demographic characteristics of homicide offenders?

The majority of repeat homicide offenders were white males.

A large majority (31) of the offenders were Caucasian, while 5 were of Aboriginal ancestry, and 1 was Black.

Almost all (35) of the offenders were males. Two were female.

The average age of the repeat homicide offenders, at the time of their second offence, was 36. Overall, 12 of the offenders were under 30, 14 were between 30 and 40, 6 were between 40 and 45, and another 5 were over 45 years of age.

SITUATIONAL CHARACTERISTICS

A majority (66.7%) of the offenders committed the offence in a private place – either the victim's or the offender's house or a residence they shared.

A large number of the homicide offenders committed the offence with a knife (41%), while a gun was used by 30% of the offenders. Another 30% of the offenders committed the homicide offence using a blunt object (16%) or their hands (14%).

GLOSSARY

MURDER

Capital and Non-Capital Murder

Prior to 1961, all murder was capital murder. The punishment was death, however, the Governor General in Council could commute this penalty to life imprisonment.

As of September, 1961, a Criminal Code amendment separated murder into two categories: capital and non-capital.

Capital Murder included:

- Premeditated murder;
- Murder of a policemen or prison or penitentiary employee; or
- Murder committed during another criminal act.

The penalty required by law was death by hanging. Amendments to the Criminal code on December 30, 1967, limited capital murder to the killing of police and prison officials and the mandatory punishment remained the death penalty. With the passage of the Criminal Law Amendment Act on January 1, 1974, capital murder was superseded by murder punishable by death.

Non-capital murder

Non-capital murder referred to all murder that was not capital murder. The penalty was life imprisonment. With the passage of the Criminal Law Amendment on January 1, 1974, non-capital murder was replaced by murder punishable by life imprisonment.

First Degree Murder

As of July 26, 1976, murder was redefined into first and second degree, the death penalty was abolished, and mandatory life sentences were instituted.

First degree murder includes:

- All planned and deliberate murder (i.e. 'contract killing');
- Murder of police officers or prison employees acting in the line of duty; or
- Murder committed during a serious offence (i.e. sexual assault or kidnapping).

Offenders convicted of murder can only be released on parole by a decision of the National Parole Board. Persons with a first-degree murder sentence are eligible for parole consideration after serving 25 years. Under section 745 of the Criminal Code, offenders

can apply for a judicial review that could reduce the period of parole ineligibility to a minimum of 15 years.

Second Degree Murder

Second degree murder includes all murder that is not first degree murder.

The period of parole ineligibility for second degree murder may range from 10 to 25 years at the discretion of the sentencing judge.

MANSLAUGHTER

Manslaughter is culpable homicide that is not murder or infanticide or causing death by criminal negligence. It is generally distinguished from murder by the lack of intention (i.e. a crime of passion).

Judges may sentence offenders convicted of manslaughter to a life sentence as a maximum penalty.

HOMICIDE

Homicide includes murder and manslaughter.